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12 *Wynn Las Vegas, LLC*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 WEBB HILL, an individual,

16 Case No. 2:21-cv-02113-GMN-DJA

17 Plaintiff,

18 vs.

19 WYNN LAS VEGAS, LLC d/b/a Encore Las
20 Vegas, a Domestic Corporation,

21 **DEFENDANT WYNN LAS VEGAS,
22 LLC'S MOTION FOR AN
EXTENSION OF TIME TO RESPOND
TO PLAINTIFF'S FIRST AMENDED
COMPLAINT (ECF No. 16)**
23 **(FIRST REQUEST)**

24 Defendant,

25 Defendant Wynn Las Vegas, LLC d/b/a Encore Las Vegas ("Defendant"), by and through
26 its attorneys, Jackson Lewis P.C., hereby submits the instant Motion for an Extension of Time to
27 Respond to Plaintiff Webb Hill's First Amended Complaint, to April 15, 2022. This Motion is based
28 on the following Memorandum of Points and Authorities, all pleadings and documents on file with
the Court, and any oral argument that the Court deems proper.

29 **MEMORANDUM OF POINTS AND AUTHORITIES**

30 **I. BACKGROUND**

31 This is an employment termination case in which Plaintiff alleges discrimination and
32 retaliation claims pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*,
33 the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*, the Family and Medical
34 Leave Act of 1993, 29 U.S.C. § 2601 *et seq.*, and state law. Plaintiff filed his Complaint on

1 November 29, 2021. ECF No. 1. On January 26, 2022, the parties stipulated to allow Plaintiff to
 2 file a First Amended Complaint which dismissed Wynn Resorts, Limited, as a party, and named
 3 Wynn Las Vegas, LLC as a defendant. ECF No. 13. The Court granted the stipulation on January
 4 28, 2022. ECF No. 15. Defendant's Counsel accepted service of the First Amended Complaint
 5 ("FAC") on behalf of Defendant on February 1, 2022. Defendant's response to the FAC is currently
 6 due on April 1, 2022.

7 On March 9, 2022, Plaintiff's former counsel, Jenny Foley, filed a motion to withdraw as
 8 counsel. ECF No. 24. The Court granted Ms. Foley's motion on March 29, 2022. ECF No. 25.
 9 Accordingly, Plaintiff is currently proceeding *pro se* and must notify the Court as to whether he
 10 intends to proceed *pro se* or retain counsel by April 19, 2022. *Id.*

11 II. LEGAL ARGUMENT

12 FRCP 6(b)(1) provides that when an act must be done within a specified time, the Court
 13 "may, for good cause, extend the time . . . with or without motion or notice if the court acts, or if a
 14 request is made, before the original time or its extension expires . . ." "Good cause" is not a
 15 rigorous or high standard, and courts have construed the test broadly. *Ahanchion v. Kenan Pictures*,
 16 624 F.3d 1253 (9th Cir. 2010). Rule 6(b) "[is] to be liberally construed to effectuate the general
 17 purpose of seeing that cases are tried on the merits." *Rodgers v. Watt*, 722 F.2d 456, 459 (9th Cir.
 18 1983); *Wong v. Regents of the Univ. of Calif.*, 410 F.3d 1052, 1060 (9th Cir. 2005) ("Of course,
 19 courts should not mindlessly enforce deadlines."). Indeed, the "good cause" standard "primarily
 20 considers the diligence of the party seeking the amendment." *In re W. States Wholesale Nat. Gas*
 21 *Antitrust Litig.*, 715 F.3d 716, 737 (9th Cir. 2013).

22 Here, good cause exists to extend the deadline for Defendant to respond to the FAC because
 23 Defendant requires additional time to review and finalize its response to the FAC. Specifically,
 24 Defendant's Counsel is travelling from March 29, 2022 to April 3, 2022 for the purpose of handling
 25 depositions in another case, and the client representative for Defendant is currently out of the office
 26 and will not return until approximately April 6, 2022. Accordingly, Defendant will need sufficient
 27 time to review and finalize its response to the FAC. Further, Defendant brings the instant motion
 28 before the deadline to respond has expired and thus within the requirements of FRCP 6(b)(1). *See*

1 *Ahanchian*, 624 F.3d at 1259 (requests for extensions of time made before the applicable deadline
2 has passed should generally be granted in the absence of bad faith or prejudice to adverse party).
3 Because Plaintiff's former counsel withdrew from this case and Plaintiff is currently proceeding
4 *pro se*, Defendant was unable to secure a stipulation for an extension of time and instead files this
5 motion out of an abundance of caution.

Accordingly, good cause exists to grant Defendant’s Motion and allow Defendant up to and including April 15, 2022 to respond to Plaintiff’s First Amended Complaint. *See Doyle v. Gittere*, No. 3:00-cv-00101-RCJ-WGC, 2020 U.S. Dist. LEXIS 224478, at *2 (D. Nev. Dec. 1, 2020) (finding good cause for extending time for defendant to respond to motion where defendant’s counsel had obligations in other cases); *Michaud v. Baker*, 3:17-cv-00718-MMD-CBC, 2019 WL 1292679, *1 (D. Nev. March 20, 2019) (citing *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D. Pa. 1962) (explaining that the “practicalities of life” (such as an attorney’s “conflicting professional engagements” or personal commitments such as vacations, family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court deadline)).

15 | Dated this 1st day of April, 2022.

JACKSON LEWIS P.C.

/s/ Joshua A. Slicker
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*Attorneys for Defendant
Wynn Las Vegas, LLC*

23 For good cause appearing therein,
IT IS SO ORDERED.

DATED: April 4, 2022


DANIEL J. ALBREGTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Jackson Lewis P.C., and that on this 1st day of April, 2022, I caused to be served via U.S. Mail, a true and correct copy of the above foregoing **DEFENDANT WYNN LAS VEGAS, LLC'S MOTION FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT (ECF No. 16)** properly addressed to the following:

Webb Hill
5129 Mountain View Drive
Las Vegas, NV 89146
lasvegasgame@yahoo.com

Plaintiff in Proper Person

/s/ Kelley Chandler
Employee of Jackson Lewis P.C.

4891-7476-0730, v. 1